

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. HAGEL
CLERK OF COURT
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
DAYTON

UNITED STATES OF AMERICA,

CASE NO.

3 : 15 cr - 169

v.

THOMAS M. ROSE

CHARLES M. MCBEATH (1)

INDICTMENT

a/k/a "Big Man", a/k/a "Fat Boy",

21 U.S.C. § 846

a/k/a "Fat Man", a/k/a "Biggin"

21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i)

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

ANTONIO J. SPIVA (2)

21 U.S.C. § 856(a)(1)

a/k/a "B", a/k/a "Brandon", a/k/a "Snake"

18 U.S.C. § 2

Defendants.

THE GRAND JURY CHARGES THAT:

COUNT 1
[21 U.S.C. § 846]

Beginning on an exact date unknown but at least by in or around June 2014 and continuing up to and including on or about May 27, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA** together and with others known and unknown to the Grand Jury, knowingly and intentionally conspired to knowingly and intentionally possess with intent to distribute and to distribute controlled substances, namely -- in excess of 100 grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i), and a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (commonly known as fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

All in violation of 21 U.S.C. § 846.

COUNT 2

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2]

On or about May 25, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, aiding and abetting each other, knowingly and intentionally distributed a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (commonly known as fentanyl), a Schedule II controlled substance, which distribution resulted in the death of Paul McElfresh.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2.

COUNT 3

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2]

On or about May 25, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, aiding and abetting each other, knowingly and intentionally distributed a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (commonly known as Fentanyl), a Schedule II controlled substance, which distribution resulted in the death of Jason Robinson.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

COUNT 4

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2]

On or about May 25, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, aiding and abetting each other, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

COUNT 5

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2]

On or about May 26, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, aiding and abetting each other, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

COUNT 6

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2]

On or about May 27, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, aiding and abetting each other, knowingly and intentionally distributed a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and 18 U.S.C. § 2.

COUNT 7

[21 U.S.C. § 856(a)(1)]

Beginning on an exact date unknown but at least by in or around September 2014 and continuing up to and including in or around January, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, knowingly and intentionally used and maintained a place located at 420 Bowen Street, Dayton, Ohio, permanently and temporarily, for the purpose of manufacturing, distributing and using heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 856(a)(1).

COUNT 8
[21 U.S.C. § 856(a)(1)]

Beginning on an exact date unknown but at least by in or around March 2015 and continuing up to and including in or around April 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, knowingly and intentionally used and maintained a place located at 2606 E. Fifth Street, Dayton, Ohio, permanently and temporarily, for the purpose of manufacturing, distributing and using heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 856(a)(1).

COUNT 9
[21 U.S.C. § 856(a)(1)]

Beginning on an exact date unknown but at least by in or around April 2015 and continuing up to and including on or about May 26, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, knowingly and intentionally used and maintained a place located at 32 S. Torrence Street, Dayton, Ohio, permanently and temporarily, for the purpose of manufacturing, distributing and using heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 856(a)(1).

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COUNT 10
[21 U.S.C. § 856(a)(1)]

Beginning on an exact date unknown but at least by in or around April 2015 and continuing up to and including on or around about May 27, 2015, in the Southern District of Ohio, defendants **CHARLES M. MCBEATH** and **ANTONIO J. SPIVA**, knowingly and intentionally used and maintained a place located at 23 S. Horton Street, Dayton, Ohio, permanently and temporarily, for the purpose of manufacturing, distributing and using heroin, a Schedule I controlled substance.

In violation of 21 U.S.C. § 856(a)(1).

A TRUE BILL

/s/ Signed

FOREMAN

CARTER M. STEWART
United States Attorney



MICHAEL J. HUNTER
OCDETF Chief